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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 DONALD C HAYES,

12 v.
13 Plaintiff,

14 DEPARTMENT OF CORRECTIONS,
15 et al.,

16 Defendants.

17 CASE NO. 3:16-CV-05095-BHS-DWC

18 ORDER

19 The District Court has referred this 42 U.S.C. § 1983 action filed by Plaintiff Donald C.
20 Hayes to United States Magistrate Judge David W. Christel. Before the Court is Plaintiff's
21 Motion for Reconsideration and Clarification to Strike Pursuant to LCR 7(g)(2). Dkt. 266.

22 Plaintiff seeks reconsideration of the Court's Order denying his request to file a surreply.
23 *See id.*; Dkt. 264. On December 21, 2017, the Court denied Plaintiff's Motion to file a surreply
24 because surreplies are limited to requests to strike material contained in or attached to a reply
brief. Dkt. 264. Plaintiff now seeks reconsideration of the Order because he does want the Court
to strike materials that fail to raise a genuine issue of material fact. Dkt. 266.

1 Pursuant to Local Civil Rule 7(h), motions for reconsideration are disfavored and will be
2 denied absent a showing of manifest error or a showing of new facts or legal authority which
3 could not have been presented earlier with reasonable diligence. Here, Plaintiff fails to show a
4 manifest error in the Court's prior ruling or new facts or legal authority which could not have
5 been presented earlier. Plaintiff now asserts he wants evidence in Defendants' Reply (Dkt. 259)
6 struck because it does not raise a genuine issue of material fact. Defendants' Reply, however,
7 does not contain new evidence. Therefore, there is no evidence attached the Reply which can be
8 struck. Further, the Court declines to strike evidence merely because Plaintiff does not believe
9 the evidence creates a genuine issue of material fact regarding the allegations raised in the Fourth
10 Amended Complaint.

11 As Plaintiff has not met the standard outlined in Local Civil Rule 7(h), the Motion is
12 denied.

13 Dated this 18th day of January, 2018.

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16 David W. Christel
United States Magistrate Judge

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